

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

PENTHOUSE OWNERS ASSOCIATION, INC.

PLAINTIFF

V.

CIVIL ACTION NO. 1:07cv568-LTS-RHW

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON

DEFENDANT

**ORDER**

The Court's [15] Order for Mediation in this cause of action (along with many others) was entered on November 27, 2007. Now, with the mediation deadline approaching, the Plaintiff, as part of a [21] Motion for Extension of Time to Complete Discovery, has requested an extension of the mediation period.

While one of Plaintiff's counsel attempts to use the fact that Plaintiff's "original" attorney withdrew, that withdrawal occurred on December 6, 2007, more than two months ago. Furthermore, Plaintiff is represented by two other attorneys who have been in place since the [1] Complaint was filed, and the attorney making the instant request is also shown as counsel on the complaint. In addition, shortly after the mediation order was entered, Plaintiff and Defendant advised the Court that it would be engaging in private mediation.

Mediation has occurred during defined periods in the course of the Court's mediation program, which enables the process to be controlled and progress monitored. The [15] Order for Mediation set a time frame (no later than February 21) even for those choosing, as here, the option of private mediation. There is no justification to change that procedure now, especially when all other participants are expected to abide by the schedule.

The Court is happy to report that its guidelines have been almost universally followed, and, when not, sanctions have been imposed and paid. This is not the first time the Court has indicated that it is a dangerous precedent to start rescheduling cases, whether from one round to another or just to a later date. *See, e.g., Mississippi Division of the United Sons of Confederate Veterans v. Charter Oak Fire Insurance Co.*, No. 1:06cv731, docket entry [87] (a case in which the attorney making the present request is also counsel).

Accordingly, **IT IS ORDERED:**

The request for an extension of the mediation period contained in motion [21] is **DENIED**. Failure in any regard to comply with the [15] Order for Mediation and any related matters shall result in the imposition of sanctions.

**SO ORDERED** this the 14<sup>th</sup> day of February, 2008.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE